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Application No.: 10/037,236
Conf. No.: 6669
Art Unit: 3732

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): James F. Zucherman et al.

SC/Serial No.:

Confirm. No.:

Filed: November 9, 2001

Title: INTER-SPINOUS PROCESS IMPLANT AND
METHOD WITH DEFORMABLE SPACER

PATENT APPLICATION

Art Unit:

Examiner:

Customer No. 23910

POWER OF ATTORNEY BY ASSIGNEE UNDER 37 C.F.R. §§3.71, 3.73(b)

Commissioner for Patents
Washington, DC 20231

Sir:

The below-identified Assignee is the owner of the entire right, title and interest in the above-identified patent application by virtue of an assignment from the inventor(s).

_____ The Assignment was recorded in the United States Patent and Trademark Office at Reel
____, Frames ____ - ____, or

☒ A true copy of the Assignment is attached hereto, the original of which has been (or is
herewith) forwarded to the United States Patent and Trademark Office for recording.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Assignee hereby appoints Sheldon R. Meyer, Reg. No. 27,660, and other attorneys of FLIESLER DUBB MEYER & LOVEJOY LLP, Customer No. 23910, to prosecute this application and transact all business in the United States Patent & Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and the inventor's(s') attorney(s) in accordance with the provisions of 37 C.F.R. §3.71.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please address all correspondence to:

Sheldon R. Meyer
FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, CA 94111-4156

Please direct all telephone calls to:

Sheldon R. Meyer
(415) 362-3800

Assignee: _____ St. Francis Medical Technologies, Inc.

Assignee Type: (Corporation, Partnership, ...) _____ Delaware Corporation

Signor's Name: _____ Henry A. Klyce

Signor's Title: (Corporate Office or Position) _____ President

Signature: _____ Date: 11/29/01



JOINT TO CORPORATE ASSIGNMENT

WHEREAS, the undersigned Inventors:

- (1) James F. Zucherman,
a resident of San Francisco, California; and
- (2) Ken Y. Hsu,
a resident of San Francisco, California; and
- (3) Charles J. Winslow,
a resident of Walnut Creek, California; and
- (4) John Flynn,
a resident of Concord, California.

have invented certain new and useful improvements in:

INTER-SPINOUS PROCESS IMPLANT AND METHODS WITH DEFORMABLE SPACER

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention:

Said United States Patent Application bearing Serial No. _____ and filed on November 9, 2001, which was based on a provisional application having SC/Serial Number 60/323,467, and filed on September 18, 2001.

WHEREAS St. Francis Medical Technologies, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at 1900 Bates Avenue, Suite L, Concord, California 94520, State of California, wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents") applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said Inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on said invention, including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

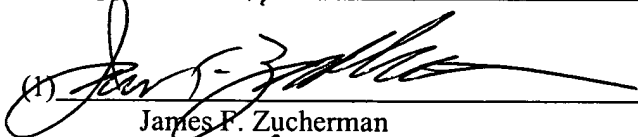
3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed this instrument on the date as given below and delivered this instrument to said Assignee:

1. ✓ Said application having SC/Serial Number _____ and filed on the 9 day of November, 2001

Date of Execution of Declaration for Patent Application: 11/29/01

(1) 
James F. Zucherman

Date: 11/29/01

State of _____)

County of _____)

On _____ before me, _____
(name and title of officer)

personally appeared James F. Zucherman, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

Date of Execution of Declaration for Patent Application: 11/29/2001

(2) Ken Y. Hsu
Ken Y. Hsu

Date: 11/29/2001

State of _____)

County of _____)

On _____ before me, _____,
(name and title of officer)

personally appeared Ken Y. Hsu, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

Date of Execution of Declaration for Patent Application: 11/29/01

(3) Charles J. Winslow
Charles J. Winslow

Date: 11/29/01

State of _____)

County of _____)

On _____ before me, _____,
(name and title of officer)

personally appeared Charles J. Winslow, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

Date of Execution of Declaration for Patent Application: 11/29/01

(4) John F. Flynn
John Flynn

Date: 11/29/01

State of _____)

County of _____)

On _____ before me, _____,
(name and title of officer)

personally appeared John Flynn, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____